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Crl.M.P.No.13291 of 2022 in Crl.A.No.961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Crl.M.P.No.13291 of 2022 in  
Crl.A.No.961 of 2022

Naveen

... Petitioner

**Versus**

The State rep.by  
The Inspector of Police,  
Oomangalam Police Station,  
Cuddalore District.  
Crime No.41 of 2018

... Respondent

**Prayer:** Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed by the judgment dated 05.08.2022 passed by the learned Sessions Judge, Special Court for POCSO cases, Cuddalore in Spl.S.C.No.38 of 2019 till the disposal of the above Criminal Appeal and enlarge the petitioner on bail.

For Petitioner : Mr.S.Senthil

For Respondent : Mr.S.VinothKumar  
Government Advocate (Crl. Side)

**ORDER**

This Criminal Miscellaneous Petition is to suspend the sentence imposed on the petitioner by the judgment, dated 05.08.2022, made in Spl.S.C.No.38 of 2019, on the file of the Sessions Judge, Special Court for POCSO cases, Cuddalore, pending disposal of the above appeal.



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2.The learned counsel for the petitioner would submit that the Trial Court has acquitted the petitioner for the offences under Section 305 IPC and except for pressurizing the girl to marry him, no other sexual act was even alleged against the petitioner. Therefore, he would submit that the petitioner was wrongly convicted by the Trial Court. He would further submit that the Trial Court has imposed the sentence of three years and has also suspended the sentence till 25.08.2022.

3.The learned Government Advocate (Crl.Side) would submit that in any event, the action of the petitioner was with sexual intent and therefore, the Trial Court has rightly convicted the petitioner.

4.Considering the nature of the allegations in this case and considering the period of sentence imposed by the Trial Court being three years and considering the fact that the sentence was already suspended by the Trial Court which is in force as on today, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-



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(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.

5. This Criminal Miscellaneous Petition is ordered accordingly.

Index : yes/no

**24.08.2022**

Internet:yes/no

Speaking order/Non-speaking order  
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**D.BHARATHA CHAKRAVARTHY. J.,**

sli

To

- 1.The Inspector of Police,  
Oomangalam Police Station,  
Cuddalore District.
- 2.The Public Prosecutor,  
High Court of Madras.
- 3.The Sessions Judge,  
Special Court for POCSO cases,  
Cuddalore.

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**24.08.2022**  
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